

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

KOHLER CO.,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
G-TECH-I INC.,	)	Case No. _____
d/b/a C-TECH-I and/or C-TECH-I NORTH	)	
AMERICA,	)	
	)	
Defendant.	)	

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**COMPLAINT**

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Plaintiff Kohler Co. (“Kohler”), by and for its Complaint against Defendant G-TECH-I Inc., d/b/a C-TECH-I and/or C-TECH-I North America (collectively, “C-TECH-I”), alleges to the Court as follows:

**PARTIES**

1. Kohler is a company organized and existing under the laws of the State of Wisconsin, with a principal place of business located at 444 Highland Drive, Kohler, Wisconsin 53044.

2. Kohler is informed and believes that G-TECH-I Inc. (“G-TECH-I”) is a corporation organized and existing under the laws of the State of Florida, with a principal place of business located at 419 York Southern Road, Fort Mill, South Carolina 29715.

3. Upon information and belief, G-TECH-I at all times pertinent hereto has been doing business as C-TECH-I and/or C-TECH-I North America.

**JURISDICTION**

4. This is an action for design patent infringement arising out of C-TECH-I’s unauthorized importing, manufacturing, offering for sale, and selling kitchen sinks in violation of

Kohler's patent rights. Because this is an action for infringement under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over C-TECH-I in that at all times pertinent hereto, upon information and belief, C-TECH-I has systematic activities in this judicial district and is committing infringing acts in Wisconsin and this District. More specifically, upon information and belief, C-TECH-I offers for sale and sells stainless steel sinks, including the accused infringing sinks, on-line and through dealers in this Judicial District. Upon information and belief, C-TECH-I also induces direct infringements in this District.

### **VENUE**

6. Venue is proper in the Eastern District of Wisconsin pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b), because C-TECH-I is a corporation that resides within this District.

### **BACKGROUND**

#### **KOHLER HAS A HISTORY OF INNOVATION**

7. Kohler, founded in 1873, is a family-owned business. It is one of America's oldest and largest privately held companies, and it first began by manufacturing and selling plows and farm implements in Sheboygan, Wisconsin.

8. In 1883, Kohler took the company beyond its farming roots and created a new business line by coating an iron hog scalding water trough with enamel and calling it a "bathtub." This bathtub innovation was an instant hit and marked the first of many plumbing products manufactured by Kohler.

9. Today, in that same spirit of innovation and invention, Kohler has grown worldwide to be synonymous with quality and originality.

**KOHLER IS A MARKET LEADER  
FOR THE KITCHEN AND BATH INDUSTRY**

10. Kohler is likely best known for its distinctive and often iconic kitchen and bath products. Kohler markets across six continents a highly regarded array of sinks, faucets, and other kitchen and bath accessories. Kohler's diversity of products and powerful portfolio of brands continually set new standards in design, craftsmanship, and innovation.

11. Kohler is a recognized leader in kitchen and bath design, and its products are well-known around the world by its global customer base in part because of Kohler's extensive advertising and promotional efforts, which total millions of dollars each year.

12. Kohler markets across many channels including, among others, the Internet, television, magazines, and newspapers.

13. Always an innovator, Kohler continuously invests in the engineering, design, and development of new kitchen and bath products, positioning itself as an industry and market leader.

14. Kohler currently owns thousands of patents worldwide on innovations in the kitchen and bath industry.

**THE PATENT-IN-SUIT**

15. Kohler is the assignee and owner of United States Design Patent No. D498,521 ("the '521 patent") which covers an original and unique sink design.

16. The '521 patent, entitled "Sink," was duly and legally issued by the United States Patent and Trademark Office on November 16, 2004, from Application Serial No. 29/179,495, filed on April 10, 2003. A true and correct copy of the '521 patent is attached hereto as Exhibit A.

**KOHLER'S NOVEL AND DISTINCTIVE SINK DESIGN  
IS PROTECTED BY THE '521 PATENT**

17. In 2004, after significant engineering and development expense, Kohler introduced sinks having the novel and distinctive design embodied in the '521 patent. Kohler's SWERVE™ Self-Rimming Kitchen Sink is an embodiment of the '521 patent.

18. Kohler has extensively promoted the SWERVE™ Self-Rimming Kitchen Sink. For example, the SWERVE™ sink has been highlighted both in design and lifestyle magazines – e.g., *Country Home*, *Builder and Developer*, *Building Products*, *Fine Homebuilding – Kitchen and Baths*, *Florida Design*, *Housetrends Magazine*, *Log Home Living*, *Style at Home*, and *Western Interiors & Design* – and newspapers such as the *Miami Herald*. Further, it has been displayed on the popular Today Show and as part of the Modern Oasis Beverly Hills design home.

19. As a result of its unique and distinctive design, the SWERVE™ Self-Rimming Kitchen Sink has become a successful commercial product for Kohler.

**C-TECH-I SEEKS TO IMPROPERLY CAPITALIZE ON  
KOHLER'S SUCCESS BY COPYING THE DESIGN IN THE PATENT-IN-SUIT**

20. Kohler owns the exclusive right, title, and interest in and to the design covered by the '521 patent.

21. Notwithstanding Kohler's rights, C-TECH-I, without permission or authorization, is importing, manufacturing, offering for sale, and selling certain sinks, including the Linea Amano Lodi LI-1400 Stainless Steel Sink ("Infringing Sink"). The Infringing Sink is inferior quality, deeply discounted, and an imitation of Kohler's sink design protected by the '521 patent. A true and correct copy of the Infringing Sink's specification is attached hereto as Exhibit B.

22. After becoming aware of C-TECH-I's infringing activities, Kohler, by way of its counsel, delivered a cease and desist letter to C-TECH-I, on or around June 7, 2012, alerting C-

TECH-I to Kohler's rights in the '521 patent and the design protected therein. This letter informed C-TECH-I that the Infringing Sink advertised at least on one of its websites (www.c-tech-i.com) infringes the '521 patent. Kohler demanded among other things that C-TECH-I immediately stop selling the Infringing Sink and to remove it from its product line and websites.

23. C-TECH-I has ignored Kohler's letter and has not ceased its infringing activity. Kohler is informed and believes that C-TECH-I continues to import, manufacture, offer for sale, and sell the Infringing Sink and continues to deliberately and willfully infringe the '521 patent in violation of Kohler's rights.

### **COUNT I**

#### **INFRINGEMENT OF THE '521 PATENT**

24. Kohler repeats and realleges each and every allegation contained in paragraphs 1-23, inclusive, as though fully set forth herein.

25. The '521 patent is valid and enforceable.

26. Kohler is the owner of all right, title, and interest in and to the design covered by the '521 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for C-TECH-I's infringement.

27. Without permission or authorization from Kohler, C-TECH-I has imported, manufactured, offered for sale, and sold and continues to import, manufacture, offer for sale, and sell including, without limitation, the Linea Amano Lodi LI-1400 Stainless Steel Sink, which infringes the '521 patent.

28. C-TECH-I's infringement of the '521 patent has been and continues to be willful.

29. C-TECH-I's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until C-TECH-I is enjoined from infringing the '521 patent.

### **JURY DEMAND**

Kohler demands a jury trial on all issues so triable.

### **REQUEST FOR RELIEF**

Wherefore, Kohler prays for judgment as follows:

- A. For a judgment that C-TECH-I has infringed the '521 patent;
- B. For an order preliminarily and permanently enjoining C-TECH-I and its officers, agents, employees, parents, subsidiaries, affiliates, divisions, successors, and all persons in privity or active concert or participation with C-TECH-I from infringing the '521 patent;
- C. For an award of damages in an amount subject to proof at trial under 35 U.S.C. § 284 together with pre- and post-judgment interest thereon;
- D. For a finding that C-TECH-I's infringement is willful and an award of increased damages for willful infringement pursuant to 35 U.S.C. § 284;
- E. For an award of C-TECH-I's total profits in an amount subject to proof at trial, pursuant to 35 U.S.C. § 289;
- F. For an order finding that this case is exceptional under 35 U.S.C. § 285 and awarding Kohler its reasonable attorneys' fees, expenses, and costs incurred in this action; and
- G. For an award of such other and further relief as this Court deems just and proper.

Dated: January 25, 2013

**FOLEY & LARDNER LLP**

By: s/ Kadie M. Jelenchick

Jeffrey N. Costakos, WI Bar No. 1008225

Kadie M. Jelenchick, WI Bar No. 1056506

**FOLEY & LARDNER LLP**

777 East Wisconsin Avenue

Milwaukee, WI 53202

Telephone: 414.271.2400

Facsimile: 414.297.4900

E-mail: jcostakos@foley.com

kjelenchick@foley.com

Marcus W. Sprow, WI Bar No. 1037546

**FOLEY & LARDNER LLP**

One Detroit Center

500 Woodward Avenue, Suite 2700

Detroit, MI 48226

Telephone: 313.234.7100

Facsimile: 313.234.2800

E-mail: msprow@foley.com

*Attorneys for Plaintiff Kohler Co.*